

Lawmakers Should Reject Fracking Bill SB4

Last-minute amendments pushed by the oil and gas industry could do serious harm to California's environment.

By Robert Gammon
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A month ago, I argued that lawmakers in Sacramento should approve SB 4, a bill that would establish the first-ever regulations on fracking in California. Although SB 4 was a weak piece of legislation, the bill — as it was written at the time — represented an improvement over the status quo. Moreover, lobbyists for Big Oil and Gas interests had already killed stricter legislation earlier this year, including a proposed statewide moratorium on fracking. And so SB 4 appeared to be the best that environmentalists could hope for. But no longer.

Last week, after intense backroom lobbying, the powerful oil and gas industry convinced state Senator Fran Pavley of Los Angeles, the sponsor of SB 4, to further weaken her legislation and include poison-pill

amendments. If enacted, it promises to do more harm than good.

Under the eleventh-hour changes, SB 4 would require state regulators to green-light all fracking requests by oil and gas companies in California until at least July 1, 2015, when the state is scheduled to complete an environmental review of fracking in California. You read that right. Before the environmental review is complete, the bill says that state regulators “shall” approve all requests to shoot toxic chemicals and water into the earth to release otherwise trapped fossil fuels.

In exchange, oil and gas companies would have to disclose to state regulators what chemicals they're using in hydraulic fracturing. And while there currently is no specific requirement for such disclosure in California, the trade-off is not worth it for the state. After all, SB 4, as

now written, could block state regulators from trying to halt fracking during the next two years, even after they learn what chemicals are being shot into the ground.

“There is no state that I can think of that requires fracking to occur before an environmental study can be completed,” said Kassie Siegel, senior counsel for the Center for Biological Diversity, which launched a campaign earlier this week with other environmental and progressive groups to convince Pavley, a Democrat, to withdraw her bill.

Another last-minute amendment to the bill could allow state regulators to ignore aspects of the state's main environmental law — the California Environmental Quality Act — when it comes to fracking. That could be a major problem, because the state's primary regulatory agency for hydraulic fracturing — the Division of Oil, Gas

and Geothermal Resources (DOGGR) — has a long history of maintaining cozy relationships with Big Oil and Gas interests. In fact, several environmental groups have sued DOGGR on the grounds that it has failed to properly regulate fracking in the state under existing laws. That case is still pending before the courts.

“It’s the difference between a bill that doesn’t go far enough and a bill that gives away important environmental protections,” Siegel added of SB 4, referring to what happened to the bill when the latest amendments were added.

In a statement emailed to the Express, Pavley did not respond to a question as to why she agreed to make the last-minute changes — after her bill had already won easy approval in the state Senate. She also defended the amended legislation, contending that it will still provide important safeguards against fracking. “Right now, companies are fracking existing wells with no regulations or monitoring,” she stated. “We need an insurance policy so that the public and environment are protected right away while the regulations are being finalized.”

Yet a disturbing new scientific study provides yet another reason for lawmakers to shelve SB 4. The study, published in the Journal of Geophysical Research, concluded that fracking caused a series of earthquakes in 2011 in Youngstown, Ohio — a city that had not experienced an earthquake since 1776, the National Journal reported. The study found that fracking had activated a pre-existing, though dormant, fault, and unleashed a series of earthquakes in an area that had not been seismically active. The new research, as a result, should serve as a red flag for fracking in California, a state that is riddled with faults.

If SB 4 passes the state Assembly, it must go back to the state Senate for approval of the new amendments. If both houses of the legislature okay the bill by this Friday’s deadline, it will then head to the governor’s desk for his signature or veto.

Three-Dot Roundup

The decision last November by California voters to reform the state’s harsh Three Strikes law so that non-serious offenders no longer receive life sentence appears to have been a smart move, according to a new study

by Stanford University and the NAACP. The study showed that of the 1,000 inmates released from the state’s overcrowded prisons under Proposition 36, only 8 have reoffended — an extremely low recidivism rate. The study also blew a hole in the arguments made by Prop 36 opponents, who contended that it would cause a crime spike. ... Governor Brown agreed to exempt transit workers from pension cuts in exchange for billions in federal transportation dollars. The Obama administration had threatened to withhold \$4.3 billion in federal transit funds for California, contending that the pension cutbacks that Brown pushed through the legislature last year violated federal labor laws. As part of the settlement deal, Brown’s administration plans to sue to overturn a 1964 law that requires pension changes for transit workers to be negotiated through collective bargaining. ... And the US Forest Service said the massive Rim Fire was started by a hunter’s illegal campfire that got out of control. As of Tuesday morning, the blaze had burned more than 254,000 acres and was the third largest fire in state history.